## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS D E P A R T M E N T O F H E A L T H

Safe and Healthy Lives in Safe and Healthy Communities

TO: Radon Measurement Businesses/Consultants, Realtors, Home Inspectors

**Date: August 19, 2005** 

From: Alfred J. Cabral, Supervising Industrial Hygienist

RI Department of Health, Office of Occupational Health

Subject: Radon Testing in Residential Properties Associated with Real Estate Transactions

This interpretive memo is issued in response to inquiries as to who can legally perform radon testing in residential properties during real estate transactions in accordance with the RI Rules and Regulations for Radon Control [R23-61-RC]. Please note that this memo is consistent with a policy notice issued by this Office in April 1995.

Section B.1.1 of the Regulations requires, in part, that individuals who measure for radon possess the appropriate certification as provided. "Measurement" of radon includes placement and retrieval of radon test kits, professional advice on measurement, health risks, exposure standards, interpretation of test results, and radon entry routes. However, Section B.1.2 of the Regulations allows for exemption from certification if an individual is testing a private residence that they own or lease, or is their own living area.

After conferring with the RI Department of Health's Office of Legal Services, it has been determined that an individual who has entered into a purchase and sales agreement for a private residential property has equity interest in said property. As such, this individual would qualify under the exemption specified in Section B.1.2 of the regulations, and may perform radon testing with the knowledge and consent of the property owner; however, a buyer cannot enlist the assistance of another uncertified person, such as a real estate licensee or home inspector, to perform any part of the test.

This decision does not extend to any other person or businesses. Therefore, any person or business other than the owner or purchaser of said private residential property would require certification as described in the Regulations. Failure to comply with the regulations may result in enforcement action by the RI Office of Attorney General.

Even if an individual qualifies for an exemption, it is the recommendation of the RI Department of Health's Radon Control Program that radon testing associated with real estate transactions be performed by businesses and individuals certified as radon measurement businesses and consultants. Utilizing trained and certified businesses and individuals assures both that the tests are performed in accordance with US Environmental Protection Agency and State guidelines, and the validity of the test results to protect families from the health risks associated with radon. For a list of certified radon measurement businesses and consultants visit HEALTH's web-site www.health.ri.gov.

If there are any questions regarding this memo or the RI Rules and Regulations for Radon Control, please contact our office at (401) 222-2438.